

APPEAL NO. 040277
FILED MARCH 26, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on January 13, 2004. The hearing officer resolved the disputed issue by deciding that the respondent's (claimant) compensable injury of _____, extends to lumbar herniated discs, but does not extend to degenerative disc disease. The appellant (carrier) appeals the hearing officer's determination that the compensable injury extends to lumbar herniated discs, contending that the evidence failed to establish that the claimant suffered from lumbar herniated discs or that, even if she did, the herniations were related to the compensable injury as opposed to degenerative disc disease. The claimant asserts that sufficient evidence supports the hearing officer's decision that the compensable injury extends to lumbar herniated discs. There is no appeal of the hearing officer's determination that the compensable injury does not extend to degenerative disc disease.

DECISION

Affirmed.

Conflicting evidence was presented at the CCH on the disputed issue of whether the compensable injury extends to lumbar herniated discs. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. Although there is conflicting evidence in this case, the hearing officer's determination on the appealed issue is supported by the claimant's testimony, the reports of the claimant's surgeon, and the reports of a referral doctor. We conclude that the hearing officer's determination that the compensable injury extends to lumbar herniated discs is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL
DALLAS, TEXAS 75201.**

Robert W. Potts
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Elaine M. Chaney
Appeals Judge